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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/206,782	12/07/1998	MICHAEL R. PEEVEY	32277.0100	5956

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/206,782	PEEVEY, MICHAEL R.	
	Examiner	Art Unit	
	Cristina Owen Sherr	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 September 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) 16 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 and 17-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This office action is in response to Applicant's amendment filed on 09/24/2001. Claim 16 is canceled. Claims 1, 7, 10, 14, 18, and 19 are amended. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, and 19 are presented for examination.

#### ***Information Disclosure Statement***

2. The Supplemental Information Disclosure Statement filed on 01/17/2001 has been reviewed and considered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe et al (US 4,120,031) in view of Saar (US 6,161,100). Kincheloe discloses a method of remotely monitoring the consumption and use of a utility, allowing for calculating billing data using metering data and generating bills (Col. 1 – 2). Kincheloe does not, however, disclose a method of monitoring multiple consumer sites. Saar, however, does disclose a system specifically for the billing of multiple individual units in the context of measuring energy consumption in water heating (Col. 2 – 5). It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe and

Saar in order to obtain a more economical method of measuring and billing for electricity.

5. Claims 2 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe et al (US 4,120,031) in view of Saar (US 6,161,100). Kincheloe discloses a method of remotely monitoring the consumption and use of a utility, allowing for calculating billing data using metering data and generating bills (Col. 1 – 2). Kincheloe does not, however, disclose a method of monitoring multiple consumer sites. Saar, however, does disclose a system specifically for the billing of multiple individual units in the context of measuring energy consumption in water heating (Col. 2 – 5). It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe and Saar in order to obtain a more economical method of measuring and billing for electricity.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe et al (US 4,120,031) in view of Saar (US 6,161,100) as applied to claim 1 above, and further in view of Crooks et al (US 5,943,656). Kincheloe discloses a method of remotely monitoring the consumption and use of a utility, allowing for calculating billing data using metering data and generating bills (Col. 1 – 2). Saar discloses a system specifically for the billing of multiple individual units in the context of measuring energy consumption in water heating (Col. 2 – 5). Kincheloe does not, however teach a method for secure bill payment via the Internet. Crooks, however, does disclose a method for a multi-user internet interface for secure bill payment (Col. 3). It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe, Saar, and Crooks in

order to obtain a more efficient method of measuring, billing and receiving payments for electricity.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe et al (US 4,120,031) in view of Saar (US 6,161,100). Kincheloe discloses a method of remotely monitoring the consumption and use of a utility, allowing for calculating billing data using metering data and generating bills (Col. 1 – 2). Kincheloe does not, however, disclose a method of monitoring multiple consumer sites. Saar, however, does disclose a system specifically for the billing of multiple individual units in the context of measuring energy consumption in water heating (Col. 2 – 5). It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe and Saar in order to obtain a more economical method of measuring and billing for electricity.

8. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe et al (US 4,120,031) as applied to claim 10 above, and further in view of Crooks et al (US 5,943,656). Kincheloe discloses a method of remotely monitoring the consumption and use of a utility, allowing for calculating billing data using metering data and generating bills (Col. 1 – 2). Kincheloe does not, however teach a method for secure bill payment via the Internet. Crooks, however, does disclose a method for a multi-user internet interface for secure bill payment (Col. 3). It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe and Crooks in order to obtain a more efficient method of measuring, billing and receiving payments for electricity.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe et al (US 4,120,031) in view of Saar (US 6,161,100). Kincheloe discloses a method of remotely monitoring the consumption and use of a utility, allowing for calculating billing data using metering data and generating bills (Col. 1 – 2). Kincheloe does not, however, disclose a method of monitoring multiple consumer sites. Saar, however, does disclose a system specifically for the billing of multiple individual units in the context of measuring energy consumption in water heating (Col. 2 – 5). It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe and Saar in order to obtain a more economical method of measuring and billing for electricity.

10. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe et al (US 4,120,031) in view of Saar (US 6,161,100) as applied to claim 17 above, and further in view of Saar (US 6,161,100). Kincheloe discloses a method of remotely monitoring the consumption and use of a utility, allowing for calculating billing data using metering data and generating bills (Col. 1 – 2). Saar discloses a system specifically for the billing of multiple individual units in the context of measuring energy consumption in water heating (Col. 2 – 5). Kincheloe does not, however teach a method for secure bill payment via the Internet. Crooks, however, does disclose a method for a multi-user internet interface for secure bill payment (Col. 3). It would have been obvious to a person of ordinary skill to combine the teaching in Kincheloe, Saar and Crooks in order to obtain a more efficient method of measuring, billing and receiving payments for electricity.

### Conclusion

11. Claims 1-15 and 17-19 are rejected.
12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

Or Faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

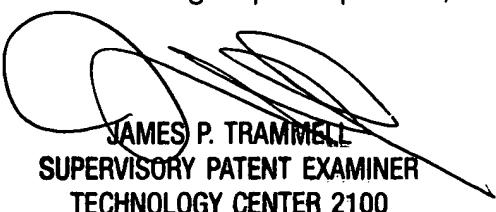
(703) 746-7239, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Fourth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cristina Owen Sherr, whose telephone number is (703) 305-0625. The Examiner can normally be reached on Mondays through Fridays from 8:30 AM – 5:00 PM.

14. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James Trammell, can be reached at (703) 305-9768. The FAX phone number for this group is (703) 746-7239.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100